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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,994	03/29/2001	Jerome D. Carter	42390P10400	6733

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EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/822,994

**Applicant(s)**

JEROME D. CARTER

**Examiner**

Brian T. Pendleton

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21, 22, 28-30, 32-36, 38 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Ewing et al, US Patent 6,822,580. Ewing et al disclose an emergency vehicle warning system comprising emergency vehicle 26 having a transmitter 30, private vehicle 10 having receivers 12 wherein an infrared identification signal 28 is sent from the transmitter 30 to the receivers 12 to notify the occupant of a vehicle of an occurrence of a detected sound outside of the vehicle. The occupant of the vehicle is notified through the use of display panel 18. Claims 21 and 33 are met. As to claims 34 and 38, the alternate embodiment of the invention in figures 7, 10, and 11 disclose a system whereby the emergency vehicle 116 transmitter sends a RF signal in the UHF band. The signal is a digital recognition code in AM modulation that uniquely identifies the transmission as part of the Emergency Vehicle Warning System which is detected by the receiver in a private vehicle. Therefore the receiver is a sound detection system that has a processing unit to determine if a sound has a predetermined characteristic whereby the sound is non-audible. Per claims 22, 35 and 39, the system is directed to emergency vehicles. Regarding claims 28 and 29, there is disclosed an intermediate filter in the receiver circuitry (AGC iF) and processing unit AM detector. Per claims 30 and 36, the system of Ewing works on

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digital signals. As to claim 32, there is disclosed a warning indicator (LEDs) on the display panel 18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing et al. Ewing et al do not disclose that the detected sound is associated with a security system or a cell phone communication. However, it was well known at the time of invention that infrared or supersonic signals could be transmitted to vehicles in order to convey information, such as the distance between vehicles, the approach of oncoming trains, emergency vehicles, etc. Without undue experimentation, one of ordinary skill in the art would have realized that information from security systems and cell phone systems are also vital to vehicle occupants. Such information contains details about whether a garage door was open for entry or an incoming call is being received, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include detected sounds from security systems and cell phone communications in the apparatus of Ewing for the purpose of increasing the effectiveness of the vehicle awareness of the external environment.

Claims 24, 26, 27, 31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing et al in view of Ricci, US Patent 6,157,321. Ewing et al do not disclose that the detected sound is associated with a toll booth. Ricci discloses a vehicle data acquisition system.

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Column 8 lines 37-50 disclose that the system can be used such that the occupant of the vehicle can be notified of the occurrence of a detected sound associated with a toll booth. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ewing et al to include detection of a toll booth sound, per the teachings of Ricci, for the purpose of paying a toll without stopping the vehicle, as well known in the art. As to claims 26, 31, and 37, in column 11 lines 55-63, Ricci discloses playing a broadcasting message through a car's stereo system. Per claim 27, it would have been obvious to disable a portable communication device in the vehicle for the purpose of allowing the driver to hear the notification of a detected sound. One of ordinary skill in the art would have been motivated to provide such a feature as to improve the efficiency of the apparatus.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton  
Examiner  
Art Unit 2644



btp